

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**WILLIE J. BEARD AND
JOE EARL POTTER,**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 1:04CV274-P-D

HAMMER LGC, INC.,

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon the March 8, 2005 Report and Recommendation of Magistrate Judge Jerry Davis [5-1] that the instant case should be dismissed without prejudice for lack of prosecution under Fed. R. Civ. P. 41(b). The plaintiffs had until March 25, 2005 to file objections to the Report and Recommendation. No objections were filed. The court finds that the instant case should be dismissed under Rule 41(b) for want of prosecution and therefore adopts and incorporates herein the Report and Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that all of the plaintiffs' claims against the defendant are **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this the 8th day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE